

Times.10

Your Magazines of Choice

May 1998, Vol. 5 Number 8

Nourishing the

People:

Heather

Bishop

Pg's 8 & 9

Politics Identity Fun

Pg's 6, 7, 20

Pg's, 14&18

WELCOME

CANADIAN GALA CHORUSES



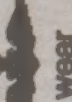
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Your Magazine of Choice

Vol. 5 Number 8

May 1998

Edmonton, Alberta

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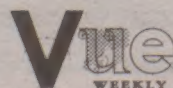
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MARTIN YESTERDAY

by brad fraser

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FYI: News & Notes from the HIV/AIDS Battlefront

"Condom Access Shows No Effect on Teen Sex Rate"

USA Today

New research indicates that teenagers with access to condoms at school are no more sexually active than teens who do not have access. The survey, published by the Alan Guttmacher Institute in Family Planning Perspectives, examined the sexual behavior and beliefs of 1,945 Los Angeles high school students before condoms were made readily available to them and 1,110 students one year after condoms were made available. Before condom availability, 55.8 percent of males and 45.4 percent of females reported having had sexual intercourse. One year after the initiation of the program, 55 percent of males and 46.1 percent of females reported having had sex, according to Mark Schuster of RAND, a nonprofit research group, and a pediatrician at the University of California at Los Angeles. Condom usage among males increased from 37 percent to 50 percent, while female use increased from 27 percent to 32 percent. Other studies conducted in New York, Philadelphia, and Seattle also found no increase in sexual activity after the initiation of condom-dispensing programs.

"New Blood System to Focus on Public Safety"

Vancouver Sun Online

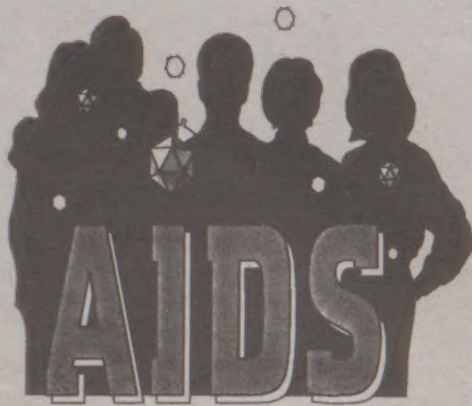
Ken Fyke, the first chairman of the Canadian Blood Services, has vowed to alter the agency in order to engender trust. Starting September 1, the new agency will handle Canada's national blood system, replacing the Canadian Red Cross. Fyke said that a 13-member board—with representation from consumers, the scientific community, public health and the business world—will run the organization, with a senior vice president responsible for safety. The organization will also undergo independent safety audits. Quebec will not be covered by the new agency since it has opted to create its own blood service.

"What's in a Name?"

Village Voice Vol. 43, No. 14, P. 36; Scoofs, Mark

Several bills in the New York state legislature have sparked a debate over mandatory reporting of the names of HIV-positive individuals. Assemblywoman Nettie Mayersohn—who authored a state law requiring HIV testing for all newborn children—introduced a bill that would require the submission of identifying information to health departments in order to properly notify HIV patients' partners. Republican Guy Velella introduced the bill into the state Senate, and it may likely pass in both houses. Another bill, which would create a database of all HIV-infected people and require them to surrender the names of all their sexual partners or else face criminal charges, has been presented by several Republicans in the assembly. The bill would also eliminate anonymous testing. Opponents of the bills worry that such measures will lead to policing of HIV-positive individuals. They also assert that forcing people to name their sex partners and eliminating anonymity will discourage people from being tested; 11 separate studies show that name reporting does deter some people, and two recent surveys found that 70 percent of participants would not get tested if their names were reported. Activists contend that the population at highest risk for HIV—homosexual men and racial minorities—are also the most likely to be suspicious of the measures. Additionally, many fear that

confidentiality will one day be revoked, making the names of HIV-positive patients public knowledge. Proponents argue that these measures are no more drastic than the current standard methods used for surveillance of a number of other infectious diseases. The Centers for Disease Control and Prevention supports name reporting and notes that the practice has been tried in six



states without a large decline in overall testing numbers. Maryland and Texas have implemented programs that use "unique identifiers," which report demographic information but does not relay names; however, the CDC's Kevin DeCock believes that name-based HIV surveillance is more likely to supply the requisite information.

"Flow Cytometry Offers Hope for Better Treatment"

AIDS Alert Vol. 13, No. 4, P. 44

Bruce Patterson, a molecular virologist and assistant professor at Northeastern University, has designed a technique for identifying in-cell viral load that may complement or supplant traditional plasma viral-load testing. Called ultrasensitive in situ hybridization, the test utilizes flow cytometry to accurately measure how many viral particles a cell is producing. With this in-cell viral load technique, researchers are able to identify specifically which cells are producing the virus even in cases where only five to 10 copies of virus are manufactured per cell. The test employs antibodies and fluorescent dyes to locate and tag up to three types of cells per test. The technique, which also provides CD4 counts, is likely to change the way clinicians approach treatment regimens, since viral kinetics vary between cell types and viral production changes may now be predicted prior to a viral load increase. Earlier detection of the virus may follow, since the test is not solely dependent on measuring blood. Presently, the test is only available for research purposes, but mass production of the tests is expected to commence soon in the United States.

"Explosive Spread of HIV-1 and Sexually Transmitted Diseases in Cambodia (Research Letter)"

Researchers from the Division of Sexually Transmitted Disease Prevention at the Centers for Disease Control and Prevention report the "alarming" rate of HIV-1 and other STD infection in Cambodia. Caroline A. Ryan and colleagues examined 314 women seeking reproductive health services, 322 male police and military personnel, and 437 brothel-based female sex workers for Chlamydia trachomatis, Neisseria gonorrhea, syphilis, and HIV-1 in various regions throughout Cambodia. The sex workers had the highest incidence of STD infection, with a 38.7 percent chlamydial and/or gonococcal infection prevalence, 13.8 syphilis seroactivity rate, and a gonorrhea incidence ranging from 10 percent to 39 percent. The men had a 6.2 percent urethral infection rate—2.1 percent with syphilis and 5 percent with gonorrhea—and a 6.6 percent syphilis seroactivity rate. Women who attended reproductive health clinics showed a 5.3 percent gonococcal infection rate and 4 percent were syphilis seroactive. Female sex workers also had a 40.6 percent HIV-1 seropositivity rate, as compared to a 12.5 percent rate among the male subjects and a 4.5 percent rate among the other

female subjects. The researchers also found that nine of the HIV-1 samples were a subtype E strain close to a prototype Thai E strain, indicating that the virus may have spread regionally from Thailand. The researchers also noted that, with 56 percent of men claiming that they had sex with a female sex worker in the preceding month and 88.5 percent in the past year, intervention focused on commercial sex is urgently needed to stop the dissemination of STDs and HIV-1 in Cambodia.

"AIDS Group Issues Alert On Parts of East Europe"

Washington Post P. A18; Brown, David

The Joint UN program on HIV/AIDS warned Tuesday that rates of HIV infection in sections of Eastern Europe and Russia may reach "true epidemic" status. UNAIDS head Peter Piot said, "We believe, really, that we are now seeing the beginning of an explosion." HIV infection in the region is still mostly confined to inject drug users, but sexual transmission of the virus may result in a vastly increased rate among the general population. With an estimated 110,000 cases, Ukraine has the highest HIV rate in the region. Russia has about 40,000 cases, with another 40,000 in Belarus, Moldavia, and Poland. The entire region was estimated to have only 30,000 cases as of 1994, but a substantial increase in drug abuse has helped to fuel HIV's spread. UNAIDS is initiating a year-long campaign centering on the reduction of HIV infection among 10- to 24-year-olds, who account for 50 percent of HIV infections worldwide, excluding infant infections.

"Weight Loss Directly Related to Plasma HIV Load"

Reuters Health Information Services

Dr. Fred R. Sattler and researchers at the University of California School of Medicine in Los Angeles report that plasma HIV load is


directly proportional to weight loss in HIV-infected patients with wasting. The study, published in the April 15th issue of the Journal of Acquired Immune Deficiency Syndromes and Human Retrovirology, showed that 32 of 33 patients experienced continuous weight loss as their HIV RNA levels increased. Previous studies indicate that proinflammatory Cytokines, which accompany HIV replication, promote AIDS wasting, but the researchers are not sure if the Cytokines have a direct or indirect effect. The authors suggest that studies be initiated to determine the effect of HIV RNA load decreases due to antiretroviral therapy on patient weight.

"Identification of a Human Population Infected with Simian Foamy Viruses"

Nature Medicine Vol. 4, No. 4, P. 403; Henienc, Walid;

Switzer, William M.; Sandstrom, Paul; et al.

Researchers from the Centers for Disease Control and Prevention, the U.S. Food and Drug Administration, and elsewhere report the first known infections in humans with baboon simian foamy virus (SFV). The researchers screened blood samples of 231 subjects occupationally exposed to nonhuman primates (NHPs) for SFV and found that four of the subjects (1.8 percent) were infected. One of the workers was infected through an African green monkey, while the other three contracted the virus from baboons. All four infected individuals work at separate institutions, and it is unlikely that they were infected through a common source. The researchers note that SFV is highly transmissible in NHPs; however, the virus appears to be non-transmissible in humans. They warn, though, that transmissions among humans through blood transfusion may increase the chance of successive transmission through viral adaptation. They counseled the infected individuals to avoid blood donation until the risks of transmission via blood are defined.



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CANADIAN GALA CHORUSES: FESTIVAL '98

After five years in the planning, a whole lot of anxiety (the bulk is yet to come), and a considerable amount of stress, we are less than a month away from EDMONTON VOCAL MINORITY (EVM)'s presentation of the Canadian GALA Choruses: Festival '98. It began as an ambitious idea by Artistic Director, David Garber and our past General Manager, David Hicks, and has grown into a serendipitous celebration of equality in this the year of the Supreme Court's decision in favour of Delwin Vriend. It's hard to imagine a more accurate timing for the LGBT community of Alberta.

16 choruses will attend festival '98 from Halifax to Vancouver with approximately 500 singers performing

in four concerts.

The weekend begins with Festival '98 Multimedia Extravaganza on Friday evening, May 15th at the Winspear Centre, featuring EVM performing Bernstein's *Chichester Psalms* with Brian Webb dancing an EVM commission. The stage will be transformed into visual artist, Peter Field's structural interpretation of community.

Friday evening will also feature Canada's troubadour lesbian, Heather Bishop and Toronto residing Edmontonian, Peter Sereda. Commissioned pieces by E.V.M.s Kirk Kryvenchuk, Richard Link, Gil Cote, and John Michael Albert will complete what is promising to be an enchanted evening of great music.

Festival '98 Concert I, on Saturday evening, May 16 at the Winspear Centre will feature eight choruses, A Vancouver Women's Chorus, Ottawa Gay Men's Chorus, Prairie Pride Chorus (Regina), Calgary Men's Chorus, Vancouver Lesbian & Gay Choir, Rainy City Gay Men's Chorus (Vancouver),

Synchronicity (Vancouver) and Singing out (Toronto).

Festival '98 Concert II, on Sunday afternoon, May 17 at the Winspear Centre will feature Musaic (Vancouver), The Women Next Door (Halifax), Rocky Mountain Singers (Calgary), Forte the Toronto Men's Chorus, Sapphic Song Weavers (Vancouver), Bridge City Chorus (Saskatoon) and the Vancouver Men's Chorus.



of three Festival Choruses; Festival Men's, Mixed-Voice or Women's Choruses including commissions by both Heather Bishop and David Sereda. Svend Robinson MP will be guest speaker at this performance.

The weekend will include Festival '98 Opening Night Reception at the Winspear Centre, the Festival Brunch, and the Festival Banquet and Dance both at the Sheraton Grande Edmonton Hotel. A Trade Fair and Festival Store, workshops on fundraising, charitable status, volunteer recruiting and choral administration will also at the Sheraton Grande Edmonton Hotel.

Edmonton's success at hosting large events is a well-known phenomenon. Festival '98 will undoubtedly be another feather in it's cap. The Organizing Committee would like to thank all those who have contributed or pledged time, energy and financial resources to Festival '98 and of course there is always need for more and we invite you to get involved in this great event. This is a community event and, to date, we have involvement by Womonspace, O2, Team Edmonton and dozens of individuals are working tirelessly to ensure that Edmonton's LGBT community presents the calibre of festival that Edmonton is known for.

Plan to attend and be part of a national celebration of diversity and community through music, voice and good will.

To sum it all up will be Festival '98 Finale on Monday afternoon, May 18 under the pyramid of Edmonton's City Hall. Throughout the weekend the guest singers will be rehearsing in one

Lyle Grant Jax

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Capital City Politics



Human Rights are Not done by Popular Vote

By Laurie Blakeman - Liberal MLA

Zero tolerance for discrimination is **VERY** important to me and I'm glad for the long record the Liberals have around the issue of including sexual orientation under Human Rights Protection as evidenced by the following: 1991, Sheldon Chumir introduced Bill 260 to amend the IRPA to include sexual orientation; in 1992 Bettie Hewes introduced Bill 290 to include sexual orientation; 1996 and Gary Dickson introduced an amendment to include sexual orientation in the government's new Human Rights, Citizenship and Multiculturalism Act.

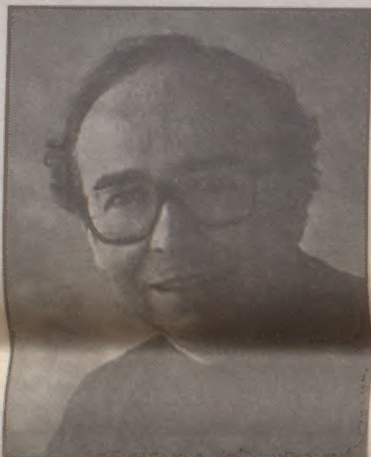
Even more recently, I was proud to introduce Bill 229 to amend Human Rights Citizenship and Multiculturalism Act to include sexual orientation. During the hectic two weeks around the Vriend decision and the government's response, I was able to table letters in support of the inclusion of sexual orientation on three different occasions and twice have tabled petitions in support of this issue in the House.

The Edmonton-Centre constituency office received a total of 286 letters. Ninety-four percent (269) were in favour of the Supreme Court decision while 6% (17) were opposed.

There were 70 phone call in total, with 48 (69%) in favour of the decision and 22 (31%) opposed. I would like to thank all those Albertans who kept in touch with me and let me know their position on this issue, and a sincere thank you to all my colleagues who withstood some rather difficult phone calls over the past while.

The Liberals have been dedicated over the years to this issue. As a party, we will continue to work toward a tolerant and inclusive Alberta; one where we will all have same opportunity to live in dignity with full protection under the law.

You can reach me by phone 414-0743, fax 414-0772 or e-mail blakeman@oanet.com



AN ERA ENDS

By Michael Phair
Edmonton City Councillor

April 2, Thursday: The Supreme Court rules in the Delwin Vriend case that Alberta Human Rights Legislation will now include protection for persons discriminated against on the basis of sexual orientation.

April 9, Thursday: Premier Klein and the PC caucus indicate that they will let the decision stand, not invoke the 'notwithstanding' clause.

Between those two Thursdays, an era ended—an era that had kept Albertans and gays, lesbians, bisexuals and transgendered people apart as two separate and unequal people. Today all Albertans are equal—Alberta is truly for all of us.

Between those two Thursday's

Albertans also went through a crisis of fear, hatred, self-righteousness and soul-searching that was unlike anything I have ever witnessed or been a part of.

Although it will be years before I fully understand or appreciate this special week in April '98, I want to provide some idea of what went on for me, and why the week was so turbulent. Immediately after the Supreme Court decision, I began to get calls at my office at City Hall and at home from individuals who did not agree with the Court. In general, these calls were primarily 'opinion'—"I don't think the Court made the right decision" kind of call. Monday afternoon and evening, the calls suddenly became hateful and vicious to the extreme. The onslaught of these calls and letters was unprecedented, and I suddenly found myself paralyzed and unable to concentrate on City work.

I also found myself desperately searching for a way to respond—to express how upset I was, and how alarmed, at this tidal wave of organized hatred. I was

sure that most Edmontonians, especially those living in Ward 4, appreciated and readily accepted the Supreme Court decision but were not speaking out, or were being overwhelmed by those opposed. So, in my own way I spoke out.

Tuesday, Wednesday and Thursday were among the most intense days that I have lived through. Having been 'out' for many years, and a public figure for the past 6 years, I felt very fragile and scared talking openly about the harassment and hatred I was getting and my horror and fear with the kinds of comments and remarks that were being made about gays, lesbians, transgendered and bisexual persons—about me. It was both difficult and terrifying to contemplate and verbalize that I, as a gay man, suddenly was afraid of what was happening in Alberta and that I was losing faith in the goodness and reasonableness of Edmontonians. As a politician, I was shocked and had to question who and what did I represent—had I lost touch?

Exposing myself as I did through the

media brought forward a response that I was totally unprepared for, and my office and I were overwhelmed. Of course, additional interviews and media followed on Wednesday and Thursday as I received flowers, many cards and hundreds of very supportive phone calls and e-mail messages of support. I know many of the readers of Times.10 were among those who called and sent letters, and I not only thank you, but I want you to know that it has helped me to regain my sense of self-confidence as a gay man, a politician and Edmontonian.

(The concluding part of An Era Ends will be in the next issue of Times.10)

Councillor Michael Phair (If you need assistance or have questions about the city please contact my office. 496-8146 phone, 496-8113 fax, or e-mail: mphair@gov.edmonton.ab.ca.)



Conservatives' Health Bill Shows True Agenda

By Linda Sloan

This spring, Alberta's Health Minister Halvar Jonson, introduced a very disturbing health care bill. *Bill 37: Health Statutes Amendment Act* allows the Minister, for the first time, to approve private, for-profit facilities capable of providing publicly funded medical services.

step toward legalizing a 2-tier health system in Alberta.

The Conservative government's true agenda is to set up private, for-profit health care facilities in Alberta. Don't forget this is the same government that cost Alberta taxpayers more than \$3 million in penalties for not upholding the Canada Health Act in the past.

The Health Minister argues ministerial control is needed in the face of private health facility incursion into Alberta. No matter how you look at it, though, this legislation in no way halts the expansion of private health services in Alberta - it clearly paves the way for private health services in Alberta.

Under this bill, the Health Minister will have the power to permit private hospitals to operate in Alberta without any prior consultation of the public with seniors' groups, public health advocacy groups or anyone else. Instead of providing adequate resources to make our public health care system work, Conservatives choose to pave the way for a private 2-tier health care system that only benefits a small group who own shares in Health Resources Group or other similar venues.

One only has to look at the 2-tier health care system in the United States to realize how important a publicly funded, universally accessible health care system is. The United States public/private system costs twice as much as our system in Alberta and still leaves more than 40 million people without any insurance at all. A public

health care system exists to provide health care for everyone regardless of income.

Most Albertans are unaware that the future of our public health system is at risk. They deserve to know what is at stake before Bill 37 is rushed through the legislative process to become law.

Alberta Liberals are committed to a publicly funded, universally accessible health care system. Bill 37 is a bill that we will fight tooth and nail to prevent, but we need your help.

Let your MLA and/or the Premier know that a 2-tier health system is not acceptable. My Alberta Liberal colleagues and I will gladly present any of your letters, faxes, petitions, etc. in the Legislature.

Linda Sloan, R.N.
Alberta Liberal MLA
Edmonton Riverview

Jesus, Fear and Homosexuality

By Rev. Beverley Baptiste and Jill Ferguson
Metropolitan Community Church of Edmonton

What did Jesus say about homosexuality?

() Nothing. () Zilch. () Naught. () Zero. () All Four. If you chose any or all of the boxes, you're right and welcome to liberty from Christian fear and guilt!

Jesus didn't condemn women loving women or men

loving men. Jesus said little about sex. Why, then, do some Christians never shut-up about it? The news media bubbles with Christians bashing lesbians and gays. It creates an atmosphere of bigotry, hate and fear.

Words that aren't in the Gospels are attributed to Jesus. These non-biblical words have been passed down from generation to generation by religious leaders. What's the fear about? Is it les-bi-gay's sexuality or their own that creates the fear? Why is it necessary to force society into a heterosexual framework? Instead of dealing with their own fears, they try to inflict guilt and pain on les-bi-gays.

This worries some of us because the conservative Christians say that they speak for Jesus. They claim that Jesus condemns "the perverted lifestyle" that les-bi-gays lead. Further, they assert that Jesus thinks les-bi-gays are abominations before God. Jesus didn't say any such thing! Jesus didn't say anyone was an abomination for any reason. Jesus got angry at violence, hate, intolerance, domination, subjugation and discrimination. Jesus was into love; big time!

Jesus stressed 3 action plans: doing justice, loving with tenderness, and humbly walking with God. Jesus' words about how to love crowd the gospels. There's faithful love, tender love, enemy love, healing love, compassionate love, etc. Live in love was Jesus' main point.

Some conservative Christians would have Albertans believe that we les-bi-gays are the bestial, family destroying, child molesting demons that their fear has invented. They arouse public fear and even hate.

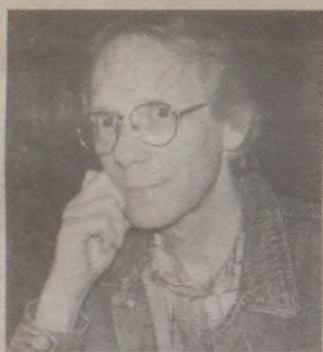
Scott Jensen says: "I'd be interested to know just how many families that 'churches' have destroyed by forcing their members to choose between a gay/lesbian family member or the church! I see this struggle in my own family. The struggle of loving their gay son/brother but attending a church that tells them their son is 'wrong, immoral, etc.'" and that we can't be together as a family in the after-life. And "we're" the ones 'destroying' the family???"

Naomi worries about her son: "My son, he who I carried in my womb and suckled and raised to the Light is turning from me! He doubts I can be a woman of the Light. He's being taught that his lesbian mother is an abomination. Who's breaking the love between mother and son? Who dares!? The Christians, that's who! They say that les-bi-gays are breaking up the family, but it's the other way around. I fear losing my son, but it won't turn me around. I won't be anyone's moral or spiritual issue!" Les-bi-gays can't afford to let rejection, hatred or fear take us away from doing justice, loving, or walking a spiritual path.

The political energy around "The Decision" is needed for other problems. Poverty, violence, healthcare, education, spousal and child abuse could use the attention that les-bi-gays are getting. It would likely go a long way toward restoring strong, healthy, happy families.

We can't let those who feel it is "Christian" to spread lies and hatred about us turn us around. When a portion of the nation successfully asserts that their way is the only right way, fascism begins. History bears this out: the Crusades, the Inquisition, the Burning Times, Nazi Germany and Apartheid in South Africa. If we don't learn from history, we're destined to repeat its tragedies. Is this what Albertans want?

Gandhi said he could be beaten or killed, but the oppressors couldn't possess his mind or diminish his soul-force (satyagraha). Like Gandhi, we are not prepared to let others use God or Jesus or misguided laws against us. The bigots can starve, fire, evict, beat and even kill us, but we can't let them turn us around! If they harm us, it's their wrong, not ours. The People of India stood up to the oppressors and the Black People stood up to the racists. We les-bi-gays must stand our ground against the homophobes and put them on notice.



From the Editor

by Dennis Cambly

There is no love deeper than that in which one will give their life for another.

Many lives have been lost in the fight for freedom. We can now be proud that those who fought against the Nazi powers won the final battle. What they gained for us was victory and freedom and the power to introduce justice into our democratic society. We have just witnessed the kind of victory for which they fought. The Supreme Court of Canada, which has been given the power by the provinces via the Charter of Rights and Freedoms, has declared that Alberta should be a free society.

Thus the province of Alberta must now crawl out of the cave of darkness in which the current dictatorship has placed it, and move into the light of the civilized world.

The battles are not over quite that quickly. The dark forces from the United States have been funding the hate propaganda machine here in Alberta, along with the Alberta government. They might shroud themselves in the mask of being christian but there is nothing christian about them. They are the full embodiment of evil, just as their Nazi ancestors. CHED radio and ITV joined their ranks by allowing such a vial of hatred with their radio and television commercials against the Supreme Court of Canada decision. It is our turn now to boycott anyone who uses either of these two broadcasting stations to advertise their products. The Alberta government pours untold thousands of dollars in the only piece of racial hatred allowed in our country by purchasing thousands of subscriptions and advertisements in the Alberta Report. Do not spend any money with anyone who advertises in their publication.

We have printed a few passages from the decision by the Supreme Court of Canada. There is also a listing at the end of the section as to where you can obtain the full

text if you wish to do so. It is in very easy to read English. We were at a loss for words when we discovered that it was going to take five cabinet ministers 10 full days to read the document. It is only 56 pages long (in Word format) and 110 pages in Word Perfect format. Perhaps we might pay some attention to the question of illiteracy at the highest government levels in the province!

As to the question of the Supreme Court of Canada handing down this decision to this government, it is what makes Canada a truly democratic society. The provinces, when they signed the Charter of Rights and Freedoms gave the Supreme Court the right to assist in the interpretation of the Charter and all of its sections. Unlike the United States where judges are bought and sold to the highest bidder our judicial system is not elected for that very reason. Once we question the judicial system then we open the doors to dictatorship and fascism. Once we allow a very small group of people to broadcast hate then we are moving back to the days of early Nazism. They are using the very same tactics in this province which their leaders in the United States have used and are still using.

Here in the Capital City we have been very active and the month of May is going to be a real barn burner. The gay business community

has held its first meeting and will hold another in June to work out strategies. Many have finally put their differences of opinion and multitude of rumours aside to work together. The final touches are being put on the GALA Festival of Choruses being held over the long weekend. With that, Pride Week will be held beginning with the Festival and end the following Saturday. Many fine entertainers are going to be in the Capital City and we have featured another on the cover of this issue. Brad Fraser is also opening his revised play "Martin Yesterday" which will open at the Roxy on May 7.

It will take some time for those deeply seated in the closet to open the door just a bit as the New World unfolds in Alberta. As a community within the greater city of Edmonton, we now need to work even more closely together and communicate with one another. Let us not assume that the war is over. Go forward with the knowledge that the enemy is now without fuel. They have discovered that we are governed by a truly democratic system and a just society, where all people are treated equally. The clock is now ticking backwards for this current government and their greatest fear, change, is all around them.

"Before now, my music was empowerment of people"

By Heather Marshall

Like all good artists, Heather Bishop has allowed herself to be open to change and new possibilities in her life and music. There are those of us who know Bishop as a singer/songwriter whose music inspired or sustained us in our relationships. Now we may want to hear what she has to say about things of the spirit. Heather Bishop has deepened her own sense of spirituality, but has also become aware of the spiritual longings of her listeners. It is to that place in us that she now sings.

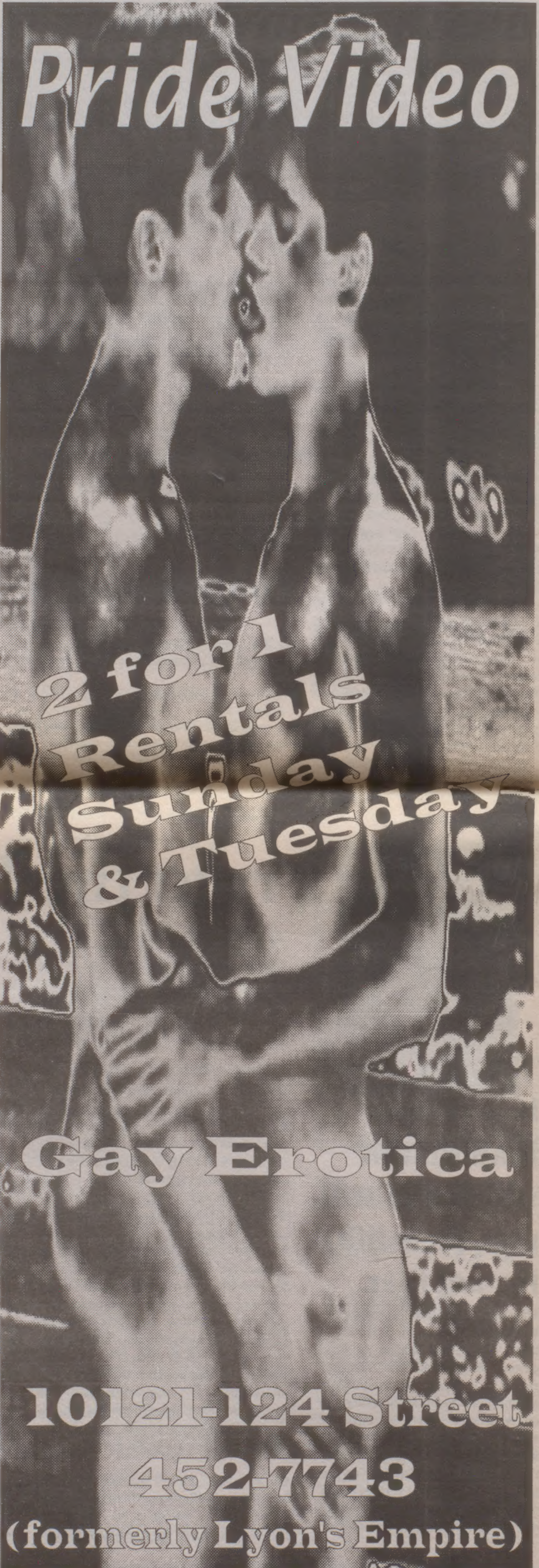
Heather Bishop will have an opportunity to do that when she appears here in May at the GALA Choir Festival, along with 15 choirs from across the continent, as well as with our own David Sereda (featured in the March issue of Times .10). "EVM [Edmonton Vocal Minority] is one of my favorite choirs," she tells me in a phone interview. "David [Garber] has commissioned me to write a song, which I am calling *Homeward Bound*, and I have written it with the choir in mind. It's a celebration of life; music is a vehicle to go home to ourselves - to journey into ourselves," she says.

"Before now, my music was empowerment of people," says Bishop. **"Now I feel that music needs to nourish people. People are looking for that which will feed their spirit. If I can be a bridge for that, then I will have done my job."** Bishop knows the power of music, and sees her own songwriting as moving her and her listeners in new directions. "The spiritual longing of people is palpable," she says, "The point is to get back to the 'essence' - whatever you call it - God, Goddess, Mother Earth, Divine Oneness - that spark of pure magic that lives in you. That's not always easy. But it is a journey of our own heart, finding the courage to live from the pure heart, and to talk about what is sacred in our lives."

Heather Bishop finds inspiration for her songwriting in her western Canadian roots. "I'm absolutely a westerner, a true prairie gal," she laughs. "I've seen a lot of the world, but my soul gets fed on the prairie and under the prairie sky. When you abandon the source of your inspiration you're in trouble. I never wanted to tempt the fates. I have to nourish my heart to write from the heart."

How has being an out lesbian affected her career? "I came out 22 years ago, and it did cost me," says Bishop. "But things have changed over the years. Because of me and others like me, k.d. lang was able to come out. **But I am still seen as a threat. My music has always been about getting rid of the cage, knocking down the bars.** Some of our out lesbians have been co-opted by the mainstream, and seem to be wanting to be inside the cage. It is so important to remember what they're singing - does it nourish my spirit?"

What is interesting about Bishop's career, however, is that despite our cultures deeply entrenched homophobia, she is also a highly respected and successful children's performer. There are still a few people who



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won't hire her to sing for children because she is lesbian, but for Bishop it is nothing short of a miracle that her children's music and performance has been so successful.

Bishop has had to pay a high price for her integrity and commitment to her music. "Twenty-two years on the road has taken a huge chunk out of me," says Bishop, the residue of fatigue still clinging to her voice.

"I finally took some time off, but now I'm ready to start back on the road. I do feel though, that if I write about spiritual things, that should be nourishing for me."

In spite of Bishop's move to writing and singing about things that she hopes will nourish the spirit, Bishop is still very concerned about many of the same issues she was singing about years ago. "I've lived queer politics," she says. "It's not just a weekend workshop." She is also just as

concerned now as she ever was about women's rights.

Young people still face some of the same issues we were facing. "I'm just waiting for our young people. A lot of them have it tough but they're not talking about it. The world is harder for them than it was for us; I'm just waiting for them to get really pissed off. When they do, I'll be thrilled."

If you want to hear some of Bishop's passion, and soak



up some of that inspiration that only Heather Bishop can provide, contact EVM at 988-4620, or email evm@freenet.edmonton.ab.ca for tickets and performance times. Performing side by side with David Sereda, Heather Bishop fans are in for a double treat.

GLAAD AND GLSEN PRAISE "OBJECT OF MY AFFECTION" -

MAJOR MOTION PICTURE SENDS IMPORTANT MESSAGE ABOUT FRIENDSHIPS, FAMILY AND GAY TEACHERS

The Gay & Lesbian Alliance Against Defamation (GLAAD) and the Gay, Lesbian, and Straight Education Network (GLSEN) today praised the new film *The Object of My Affection*, stating the movie brought audiences important messages about friendship, family and gay teachers. The motion picture opened nationally on Friday, April 27.

The Twentieth Century Fox film explores the friendship between Nina Borowski (Jennifer Aniston), a New York social worker, and George Hansen (Paul Rudd), a grade-school teacher. When George is dumped by his boyfriend, he reluctantly moves in with Nina, a woman he has only recently met. When Nina discovers she is pregnant, she asks George to raise the child with her, instead of with Vince (John Pankow), her long-time boyfriend and father of her baby. Many of the scenes in film depict George hard at work as a devoted and respected teacher. The film also stars Alan Alda, Tim Daly and Nigel Hawthorne.

"As a parent, *Object of My Affection* touches on something very close to my own heart," said Joan M. Garry, GLAAD Executive Director. "This film demonstrates to the movie-going public that families are made up of all kinds of people who love and respect one another, including gay people."

With over 60 chapters, a membership of 5,000 teachers, parents, and concerned citizens, GLSEN is the only national organization working to ensure that schools are places where all people are valued and respected, regardless of sexual orientation.

"The only way to work out our relationship with God is to work out our relationship with each other." — Barbara Brown Taylor

Harold Smith

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Brad Fraser's New Play "MARTIN YESTERDAY" Opens May 7

Interview by Heather Marshall

Brad Fraser's latest play, *Martin Yesterday*, opens here in Edmonton May 7 at the Roxy Theatre, home of Theatre Network. Once again, Fraser, known to many of us as the writer of *Poor Super Man*, *Unidentified Human Remains* and *The True Nature of Love* and the film *Love and Human Remains*, tackles the issues we have heard so much about lately - gay rights, equal rights, human rights.

Fraser, Edmonton born and raised, takes on some of the larger political questions of gay life. However, he addresses them in personal, even understated ways. His plays are always political in the sense that they examine universal questions, but Fraser explores them through people who are trying to figure out who they are.

Martin Yesterday (written and directed by Fraser) is a departure play, says Fraser. Living in the middle of the gay ghetto of Toronto, Fraser began to develop some frustrations with that world - it is mostly made up of men. He decided he wanted to write about a world comprised only of men. As a result, he produced a version of the show that was all male, and sexually graphic. The response was divided - people either loved or hated it. Many felt alienated by the play because they didn't see themselves in it. So Fraser re-invented *Martin Yesterday* entirely.

He still wants to make the same points about men, but his audiences are usually more than 50 percent women and he has therefore changed the play significantly to make it more inclusive.

As a result, the show now opening in Edmonton is the launching pad for the production the rest of the world is going to see.

Martin Yesterday has links to other Fraser plays. "I am creating a

CAUTION: B.E.A.R.S. CROSSING!

The B.E.A.R.S. of Edmonton are a non-profit social and volunteer group for Hairy Gay Men and their admirers. We are currently looking for enthusiastic guys to join and to help plan and work on events in Edmonton's Gay community.

If you have some time to spare and would enjoy socializing with Hairy Gay Men of all shapes and sizes, WE'D LIKE TO HEAR FROM YOU! Write us at Box #47, 10024 - 82nd Avenue, Edmonton, Alberta T6E 1Z3 Or visit our website at <http://www.freenet.edmonton.ab.ca/~bears>

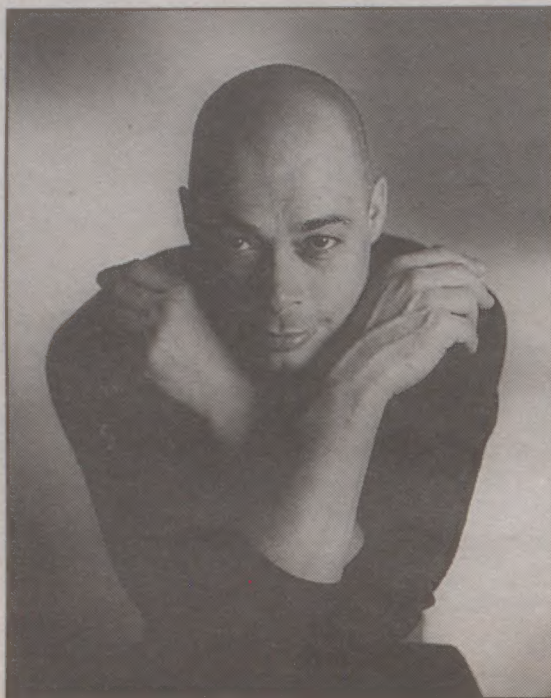
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landscape of all the cities I've lived in," says Fraser. "I am trying to show the true - and gay - Canada. There is a level of tolerance here, and I believe it is defined by our landscape." Fraser characters are tenuously linked from play to play, a bit like dropping in on a group of old friends, in different places, at different times and focusing on different individuals each time.

"This play examines what it is to be a minority," says Fraser. "Sometimes we do as much damage to ourselves as others do to us. The fight for rights is essential, but when you are forced into a ghetto, you can self-ghettoize. It's comfortable as a victim. How much of our role are we personally responsible for, and responsible for changing? We need to value ourselves."

There are two individuals that Fraser holds up as examples of people who have taken a stand - Michael Phair and Delwyn Vriend. "Vriend is the definition of a hero; he had no choice but to fight, even if he didn't want to, and he did." All of us need to speak out according to Fraser; we can't just say that someone needs to speak out and not do anything ourselves. Vriend and Phair are examples of those who have.



How has being an out gay man impacted on Fraser's life? "Nothing bad has ever happened to me in nineteen years of being an out gay man," says Fraser. He does acknowledge, however, that the theatre is generally a gay-friendly place. In spite of this, Fraser knows that there are risks in being out,

but that it is essential for him "to be out, to be up-beat in my life, and to set an example for others. That is my role."

Brad Fraser's play *Martin Yesterday* runs May 5 - 24, 1998 (previews May 5 & 6, Opening night May 7) at the ROXY, 10708 - 124 Street.

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PROTECTION FOR TRANS FOLKS

By Stephany Lynne Russell

At the risk of belabouring the issue, I feel I must comment on the Vriend decision for two reasons. First, to vent the frustration I feel relative to the general public reaction and second, to inform with respect to what that decision does or does not mean for Trans folks in Alberta.

Although I was ecstatic with both the Supreme Court decision and the choice of the Klein government (albeit reluctantly) to accept that ruling as issued, I was equally horrified to read and hear the reactions of many of my fellow Albertans. At times my skin crawled at what I read or heard. Never in my entire life have I felt so targeted by ignorant hatred, misrepresentations of the facts or disguised bigotry. I was chilled by the reactions of so called "Christians" and groups purporting to support the morality of "family". I heard the now famous caller to CBC spew forth his ignorance for all to hear. And I followed with significant fear the progress of the "phone" campaign waged against acceptance of this ruling, all the time afraid that our hope of hopes would be dashed.

It has truly been an unbelievable few weeks, and for all of us it should underline just how much real work is needed in this province to educate the masses about who we really are. And it would be easy to sit back and relax now that we have achieved our victory. The truth of the matter, however, is that we have only gained a right to complain because no matter how hard we try, we will never be successful at legislating how people act and we can never be certain that this government may not water down the legislation to the point where it is next to useless. Make no mistake, politics is about votes, about gaining power and holding on to it and not about doing what we all know to be right and just.

There are many organizations in this city and this province that have worked very hard to see that this outcome was reached. The individuals involved have exposed themselves to significant personal risk and we owe them our gratitude and continued support. Do not be lulled into thinking that the work is complete because it obviously is not. Do not delude yourself into thinking that the fight is over because it has only just begun. Instead, get involved. Stick your neck out and fight for what you believe in. This is a challenge that belongs to all of us. If not us, then who?

In terms of what the Vriend decision means for me and my Trans brothers and sisters, the reactions are mixed. You see, ours is not a sexual but a "gender orientation" issue. And although the current legislation does speak to gender discrimination, it does so on the basis of our traditional interpretation of such issues. In other words, one could not be discriminated against based upon genetic gender, either female or male. However, many Transgendered or Transsexual persons could not be identified as either male or female under the strict interpretation of that clause.

Some Transsexuals have the physical characteristics of both genders and may choose to remain at that point for the remainder of their lives. Where does the legislation protect in those cases? Are they male or female? Others may choose to complete the process through surgery but does that, in the strict interpretation of the law, entitle them to protection under the gender discrimination rulings? And what of that dangerous period that all Transsexuals are forced endure when they must live full time in the role of their desired gender in order to qualify for surgery? Does this not expose us to all manner of discrimination in the workplace and within our communities? And for still others, the path might never include hormone therapy or surgery but simply the desire represent themselves as the opposite gender. Where do they fit in and how are they protected? Could they be fired from their jobs because they were seen dressed as a woman or a man?

Would there be any recourse, any method of appeal to the Human Rights Commission? These questions and many others come to mind when I reflect upon the events of the past month.

For years Trans folks have found themselves well-accepted into Gay communities. Discrimination has been equally felt and our battles have been largely fought side by side. We supported and received support from this community and have been thankful for the safe haven we have found here. Unfortunately, the Vriend decision has only a marginal impact on our plight and once again illustrates how similar, yet how different, our battles are.

Personally though, I could not be more pleased with the outcome in this case. Not solely because my most cherished friendships are within the gay community but because this represents a victory for basic human rights, for equality of all and for yet another step towards tolerance in our society. And finally, because I believe that the Vriend decision and the government's reaction opens the door to similar protection for Trans folks as well.

The issue of discrimination against Trans folks is real. I feel it every time I dare to step out into the public eye. I experience the stares, the whispers and the pointing. I see the unreasonable disgust written on the faces of many people I come in contact with. I fear for my livelihood, my job. I fear for the safety of those who so boldly accompany me to public places. And I daily endure the pain of knowing that no matter how much time I spend at all the small details, someone will probably "make" me, recognize me to be male and not female at all.

No amount of legislation can change the way that people think or act. This takes generations. But it does represent a significant step forward each time we as a society accept the diversity of our collective selves. In the months and years to come, a challenge representative of our plight will surely surface. At that time, it would be comforting to know that we have the support of those who have fought similar battles.

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Edmonton's Gay Community Support Groups and Services

AIDS Network of Edmonton Society

The Network retains its original operating philosophy: to provide support and education wherever it can be helpful in north central Alberta. AIDS Network of Edmonton works cooperatively with all those organizations in Alberta and across the country who are working to help limit the spread of HIV infection. Today the network provides Education, Info-Line, Speakers Bureau, Resource material and various Support groups. If you wish to know more about the Network call 488-5742

Affirm United

(United Church of Canada) meets at McDougall United Church 10025 101 St. Last Saturday of the month, at 7:30 - 9:30 PM For more info call: Larry at 429-4269 or Phyllis at 434-4808

Alcoholics Anonymous

A A is a fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism. The only requirement for membership is a desire to stop drinking. Call 424-5900 for times and places of Gay and Lesbian meetings.

AXIOS - Edmonton

AXIOS is an international organization of Eastern Orthodox and Eastern-Rite Catholic Gay and Lesbian Christians. Our mandate is to promote a greater understanding of human sexuality and spirituality within the Eastern Christian tradition. The AXIOS monthly newsletter is available via the Internet. Contact Dushan at 454-8449 for more information.

Bare Naked Boys Club of Edmonton - BNBCE

A naturist group of gay men in Edmonton interested in social nudity. This is not a sex club. Men of all ages welcome. Call Fred at 469-7231 for information.

The B.E.A.R.S. of Edmonton

(A group for hairy men and their admirers) meet the last Friday of the month 9:00pm - 11:00pm at Boots n' Saddle. Or write us at #47, 10024-82nd Avenue, Edmonton, Alberta, Canada T6E 1Z3. Our email address is bears@freenet.edmonton.ab.ca

Brethren Mennonite Council

For Gay, Lesbian and Bisexual concerns. This is a support community for gay, lesbian and bisexual Mennonites and friends. Contact Tim at 434-5360 or Garrett at 423-1725 or e-mail: garrett.epp@ualberta.ca.

Dignity Edmonton

This Edmonton chapter is a support community for gay, lesbian Catholics

and friends. Contact Bernard at 451-1794 or Dennis at 482-6845

Edmonton Prime Timers

Prime Timers is a social fraternity for older gay and bisexual men and their friends. The purpose of Prime Timers is to provide an opportunity for mature gay men to fraternize and join together in a program of social activities. Meetings held 2nd Sunday each month at the Unitarian Church at 3:00 p.m. If you would like more information address correspondence to Chairman, Edmonton Prime Timers, Suite 1093, 11444 - 119 Street, Edmonton, T5G 2X6. Contact Peter at 426-7019. E-mail: mercury@planet.eon.net

Edmonton Vocal Minority

A mixed voice chorus joining together in a common love of music and a desire to build a greater spirit of unity and pride in the lesbian community. If you are interested in singing with EVM or working in the areas of promotion, staging or front of house concerts and events, please contact us at P. O. Box 12091, Main Post Office, T5J 3L2 or telephone 988-4620. E-mail: evm@freenet.edmonton.ab.ca

Feather of Hope Aboriginal AIDS Prevention Society

The Feather of Hope was founded on a need to provide AIDS education and support to Native People in Alberta. Through education and the development of communities in partnership, it is hoped that the spread of AIDS will be lessened. We offer training and education programs, as well as support through traditional ways. Volunteers are very important to us, if you can help, or would simply like some more information call 488-5773

Free-To-Be Volleyball Association

We have 3 divisions: 1) Fun/Recreational - Wednesdays, 6:30-8:30 p.m.; No regular commitment needed: Now until end of June you can join anytime. Fee: \$10.00/year; Level: Beginners to Intermediate: Donnan School - 79 Ave & 87 Street. 2) Competitive - Tuesdays, 7-9:30 p.m.; Fee \$35/8 week period; Coaching & Games each night. 3) Beach - Day/time/cost TBA; June to September. For more Volleyball information call Ron at 428-3375.

Gay and Lesbian Community Centre of Edmonton (G.L.C.C.E.)

The centre contributes to the well-being of Edmonton's gay, lesbian and bisexual community through informational, social support services and its social information line. The services offered by the centre include an information line, telephone referrals, library, drop-in peer support counselling and social activities arranged and sponsored by the centre. Further information is available at 488-3234. E-Mail glcce@freenet.edmonton.ab.ca

Gay Mens' Coffee Evenings

At 7:30 p.m. Breadstick Cafe at 10159 - 82 Avenue. This group fosters a safe, comfortable environment for all its participants. At the same time, it discourages attendance solely for sexual relations. Join us to relax, share experiences, and establish friendships. There is no age limit. Tel: 403-463-2098 (Graham) E-mail: gwatts@freenet.edmonton.ab.ca

Gay Men's Outreach Crew (G.M.O.C.)

G.M.O.C. is a peer education initiative for gay/bisexual men that works toward: preventing the spread of HIV amongst men who have sex with men, advocating for healthy lifestyle choices, and addressing social and health concerns by fostering self-esteem and gay positive attitudes. For information on G.M.O.C. workshops and other activities to "call our information and contact line at 944-1394 ext 4662.

Gay and Lesbian Awareness (G.A.L.A.)

We are an organization interested in human rights issues especially related to sexual orientation and changing Federal and Provincial legislation. We are always interested in new

members. If you are interested call Murray Billet at 482-7421

Illusions Social Club

A social club for Crossdressers, Transsexuals and their supporters. Our main goal is to provide a safe, discreet and friendly atmosphere where we can socialize as a group. We also provide information and peer support for members. We hold two socials each month, one on the second Thursday and one on the third Saturday. For more information write to Illusions Social Club Club Please change the mailing address to Box 1852, Edmonton, T5K 2P2; or phone either 488-3234 (GLCCE) on Tuesday evenings to talk to someone person to person.

Imperial Sovereign Court of the Wild Rose

The mission of the Court is to raise funds for charities and other organizations which either provide direct services to gay and lesbian individuals. Meetings of the Society are held monthly on the last Wednesday. For meeting location and time please see the Court notice boards in Boots and Saddle or the Roost Our website is at: <http://www.geocities.com/WestHollywood/5904>

Interfaith Association on AIDS Edmonton

The purpose of this association is to sensitize local faith communities and their leaders to the unique spiritual and emotional needs of those infected by HIV/AIDS. The following faith communities are included: Anglican, Baha'i, Baptist, Beth Shalom Synagogue, Lutheran, Metropolitan Community Church, Roman Catholic, Temple Beth Ora, Ukrainian Catholic, Unitarian and United Churches. Phone 448-1768 for more information.

Lambda Christian Community Church

We are a non-denominational evangelical Christian church. One of our primary goals is to provide a safe and affirming environment for all who desire to worship God. Lambda Community Church, 11148 84 Avenue (Garneau United Church) Edmonton. T6G 0V8 Call 474-0753. Weekly Sunday service at 7 p. m.

Liaison Committee, The

In June of 1993 Edmonton Police Service and the Gay and Lesbian community for met a liaison to promote an atmosphere of understanding and mutual respect. For more Info call Edmonton Police Service at 423-4567 or contact the committee at 421-2277

Living Positive

Emotional, spiritual and psychological support is available through Living Positive to all those affected by HIV infection. We offer strong, loving, confidential support. We also meet weekly and share our mutual experiences. Living Positive is entirely directed by and for people who share a common diagnosis of HIV+. Peer counselling, hospital visits and a speakers bureau are also available through our society. Phone 488-5768

Lutherans Concerned: Edmonton

We are a spiritual community for lesbian, gay, bisexual and straight people. Lutherans Concerned gathers monthly for worship, sharing, and friendship. We offer individual support and a safe space for our own spiritual questions. Call Tim at 482-2294, or write P.O. Box 11095, Edmonton, AB, T5J 3K4 e-mail: luthconc@freenet.edmonton.ab.ca

Metropolitan Community Church of Edmonton (M.C.C.)

We are a local church within the denomination of the Universal Fellowship of Metropolitan Community Churches. Our major focus is to the defranchised of society. The UFMCC allows anyone to feel a part of the Christian Community and to claim our place in God's Universe. Services are open to all. We worship on Sunday evenings at 7:15 at McDougall United Church - South entrance. Please feel free to join us! Call 429-2321 for more information. E-mail:

Charles.Bidwell@UAlberta.Ca

Northern Chaps

Edmonton's Leather - Fetish club for Gay, Lesbian, and straight men and womyn was established six years ago. We strike to educate the rest of the community through workshops, staged demonstrations and events in order to heighten awareness. Northern chaps meets at Boots & Saddle on the first and third Friday of each month at 9 PM. For information phone GLCCE at 488-3234 for more info. and add the e-mail address: geoffw@compusmart.ab.ca

Northern Titans

Northern Titans International Bowling League meets every Saturday, at 5:00pm September to April, at Pins & Cues Bowling & Billiards Centre, Southeast corner of Westmount Shopping Centre, 111 Ave. & 135 St. For more information please call Gary Billet at (403) 454-8609 or Krystal -Seitner-Hager at (403) 489-1733.

Out and Out (O2)

An Outdoor and Recreation Group for Edmonton's Lesbian Gay Community and their friends. Membership is \$5.00 per calendar year. Free newsletter published bimonthly and available at local gay hangouts. O2 Hotline is 988-3132 for activity inf., who to contact, how to join etc. Get Involved - Have Fun - Meet New People.

OUTreach

OUTreach is a university-based organization for gays, lesbians and bisexuals interested in an academic atmosphere. Meetings are held every Tuesday at 5:00 p.m. on campus; main floor of the Athabasca hall. Topics vary from week to week. Additional information is available by calling 988-4166. E-mail: outreach@gpu.srv.ualberta.ca

PFLAG

Parents, Families, & Friends of Lesbians & Gays. PFLAG promotes the health and well-being of Gay, Lesbian and Bisexual persons, their families and friends through support, education and advocacy. Meetings are held the 3rd Tuesday of the month. Newsletter editor Ellen at 465-3057. Outreach to speak confidentially to a PFLAG volunteer 944-1394, Voice Box 3524 (PFLAG) Mon-Thurs, 7-9:30 p.m. (Recording 24 hrs a day). E-mail: showrsh@compusmart.ab.ca

S.O.L.O.

Social Organization for Lesbians Only is a group that gets together for fun and recreation. Lesbians over 18 are welcome to join in for weekend functions and entertainment. We combine friendship, companionship and support with singles and couples welcome. Call Linda at 447-4776 or Marlene at 488-3878.

Team Edmonton

Team Edmonton - Gay Games Association is set up to provide an opportunity for person interested in participating in the Gay Games through fund raising. If you would like to be involved with Team Edmonton call 482-2789

The Youth Group

"Youth Understanding Youth", meets every Saturday from 8 to 10 pm at the Gay and Lesbian Community Centre of Edmonton, Suite 103, 10612-124 stree. A social support group for anyone under the age of 25 years. For more information or the give your input phone GLCCE at 488-3234 or email: glcce@freenet.edmonton.ab.ca Visions - Unitarian Church of Edmonton Gay, Lesbian, Bisexual, Transgender discussion group. We meet the 4th Wednesday of the month. Call UCE at 454-8073 or Anita at 454-1992. Not necessarily Christian.

Womonspace

The purpose of Womonspace is to foster a positive Lesbian identity among the larger community and ourselves. We hold dances, produce a newsletter and hold other activities. For information phone 482-1794 and visit our Web Page address is - <http://www.gaycanada.com/womonspace/>

AIDS VACCINE TRIALS UNDERWAY

BANGKOK- A trial with the gp120 AIDS vaccine now underway in the capital of Thailand should provide the long sought answers regarding the utility of this vaccine candidate. The vaccine is being administered to high-risk volunteers who have not tested positive for HIV. The study group comprises recovering intravenous drug users recruited from Bangkok clinics. Volunteers will receive a primary injection followed by follow-up boosters at one, six and 12 month intervals. The initial trial is designed to confirm the safety of the vaccine, after which a larger trial will be conducted to more fully evaluate the potential efficacy of the vaccine candidate in preventing the transmission of HIV, the virus that causes AIDS. All volunteers will receive regular follow-up and counseling. The gp120 vaccine has already been tested in 1,000 volunteers in the U.S.. Those trials confirmed that the vaccine was safe and that it stimulated an immune response. However, in June of 1995, the National Institutes of Allergic and Infectious Diseases Research Advisory Committee recommended that federal support not be extended for planned, large scale trials of AIDS candidate gp120 vaccines.

One reason for discontinuing the trials cited by the advisory committees was that such trials would take longer and require more participants if conducted in the U.S., because of the nature of the epidemic in this country. Not everyone agreed with that judgment. "It is a matter of will," notes Dr. Don Francis, formerly of the Centers for Disease Control and prevention, and now at Genentech. "When we decided that we wanted to cure polio in this country, we were able to come up with the resources to test the Salk vaccine in hundreds of thousands of people. We can come up with an effective vaccine for AIDS, but only if we have the necessary will to do so."

The US decision to discontinue vaccine trials was based on the results of preliminary studies with several recombinant vaccine candidates. While the candidate vaccines could neutralize laboratory HIV isolates, none appeared to neutralize wild virus isolates. Confusing the issue, it appeared that protection against HIV was achieved in chimpanzees, but in the absence of neutralizing antibodies. Finally, some seronegative volunteers receiving the vaccines became HIV positive, although none had finished the complete immunization schedule. "This last point in particular was distorted by the media," noted Dr. Francis. "This is a recombinant vaccine made from portions of the envelope protein. It is not made from live virus and cannot possibly cause AIDS," he emphasized. Dr. Francis complimented the Thai health ministry for its understanding of the need to test available candidate vaccines and its willingness to act promptly. A few years ago Thailand had only a handful of AIDS cases. But now, in some areas as many as one in ten of the population are infected with HIV. The current trial is being overseen by the World Health Organization. In addition

to Thailand the WHO has proposed three other potential sites for vaccine trials, Brazil, Uganda and Rwanda- all areas with a large and growing incidence of HIV infection. While public health campaigns face considerable logistic obstacles in the developing world, there are success stories. For example, in India, a country considered at high risk for an AIDS epidemic, a concerted public health effort successfully eradicated smallpox, noted Dr. Francis. The proposed trials must overcome a number of hurdles before they can begin. Scientific questions include which strains of HIV should be used to make the vaccines. The gp 120 vaccines are based on virus isolates that are prevalent in North America and Europe. However, the HIV subtype prevalent in the U.S. and Europe is different from strains encountered in Africa and Asia. Another important question is how should the effectiveness of the candidate vaccines be measured. Reliable correlates of immunity for AIDS vaccines have yet to be established. More understanding is also needed regarding which immune responses to pathogen are salutary and which are not. It was partly debate about these issues which stymied the U.S. trials. Levels of CD4 t-cells, currently the surrogate marker of immunity used in most AIDS studies, will be measured in all participants in the Bangkok trial, and will be monitored regularly. "It is important to remember that it would be difficult to create a situation worse than AIDS. Virtually all HIV positive patients will become sick and will die. Considering this, the most important endpoint of vaccine trials is simply whether they prevent the transmission of the disease," noted Dr. Francis. Other problems facing AIDS vaccine developers include overcoming the genetic variability of HIV; the problem of immunity enhancement in monocytes and macrophages; and the fact that intracellular HIV would not be eliminated by neutralizing antibodies generated by current vaccine candidates. Even if a vaccine capable of preventing AIDS were available today, huge obstacles would remain regarding the widespread testing and eventual application of immunization programs. If a vaccine were developed that was 90% effective for a 20 year period 75% of all adolescents and adults in endemic countries in the developing world would require immunization, according to CDC projections. This raises practical questions regarding administration of the vaccines and follow-up of study participants. "Over the past year several events have shaken the HIV vaccine field and left it in a rather unsettled state. Depending on one's vantage point, these revelations have either been confusing and troubling or logical and comforting," noted Dani Bolognesi, M.D., Director of AIDS Research, Duke University, Durham, N.C., at the 10th International AIDS Conference last year in Yokohama, Japan. "These events illustrate the difficulties that HIV vaccines must face in order to proceed to large clinical trials. They also highlight the continuing struggle to establish standards that a vaccine must meet that are acceptable to scientists, vaccine developers, government officials and representatives of communities affected by such trials. There is a sizable gulf of uncertainty as to the best way to proceed," said Dr. Bolognesi. Researchers will continue to focus on vaccines based on the hypothesis that neutralizing antibodies correlate with protection against HIV. Other approaches are also being pursued including cellular immunity and mucosal immunity, combination vector approaches and DNA vaccination, he said. "The biomedical establishment cannot become passive or discouraged over these recent developments. It has little alternative but to redouble its efforts and be prepared to maintain a long term solid commitment until an effective vaccine against this devastating pathogen is achieved," he emphasized.

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Embracing Spirituality Embracing Sexuality - A Wonderful Weekend

By Charles Bidwell

The 1998 Diversity Conference "Embracing Spirituality Embracing Sexuality: Exploring Lesbian, Gay Bisexual and Transgender Realities in a Faith Context" held at Grant MacEwan Community College (March 20-22) was a monumental event for many of the people who attended, as well as for those who participated in presenting workshops.

It all got started by two people saying there must be a way for Christians who believe that sexual orientation is a gift from God to be heard. The vocal ultra-conservative church groups have the ear of the press and get coverage, but many main-line liberal churches get ignored. Good news rarely gets in the media, unfortunately; all they seem to want is to report on conflict and crises. Anyway, Rev Bert and his wife Ev are retired but vital justice fighters and they gathered some folks of similar mind together over a pot-luck supper and the conference grew (as did the number of volunteers working on organizing it) from there.

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed it's the only thing that ever has." Margaret Mead

The Conference had a full agenda with 19 workshops, social events (banquet, concert, dance) and worship. You can see a lot about it on the Internet at this address <http://www.ualberta.ca/~cbidwell/eses/eses.htm>.

The folks of all orientations who attended were from all over the province (Grande Prairie to Calgary and beyond) and they were all moved by the love demonstrated at the event. Here are some of their comments on the evaluations:

"I learned that gay people need me (and you) to help them get beyond being marginalized and bashed ..."

"I was thrilled to be in a dance where homosexual and heterosexual couples were dancing and to sense the affection on the dance floor; it was beautiful." LJ

"I learned that it is the responsibility of straight people to make the church safe for lesbians and gays." MW

"When Gandhi was asked what he thought of Christianity, he replied, 'I have never seen it tried. Therefore I am unable to judge.' Had Gandhi been present with us at the Conference, he would have reason to change his mind. Christianity has always been about loving each other, as our Lord loves us. For far too long, our church singled out persons different from ourselves as being unworthy of our love. That weekend showed us a far better way." AE

"I listened ... I saw ... I was moved. The boundaries of my limited understanding and compassion were stretched and expanded while attending the Conference." DE

"I was impressed by the warmth of the participants, the energy of the volunteers and presenters, the inclusive, accepting atmosphere, the poignancy of the personal stories, and the tragedy of discrimination that our society seems to endorse. I saw love and compassion at work." LSJ

And finally, it has inspired one set of PFLAG-T members to spread this affirming event to Calgary.

"I would like Calgary to be able to do as good a job as Edmonton did, because it was such a good conference that I still feel pumped. It was GOOD!" GA

If you want to work on the next Diversity Conference in Edmonton or in Calgary, please contact me.

Rev. Dr. Charles Bidwell, chaplain
1998 Diversity Conference
436-8774
E-mail: Charles.Bidwell@UAlberta.Ca
14

Life After Vriend- So what now?

Townhall Meeting,
Wednesday May 20 at 7:00 p.m.,
Unitarian Church 12530-110 Ave

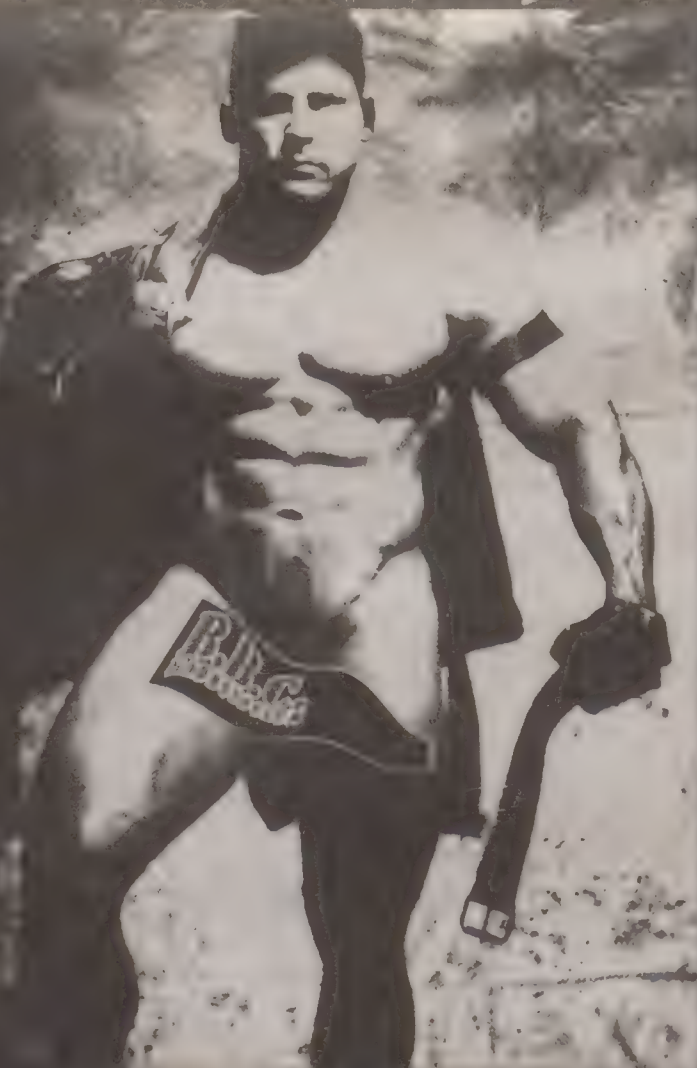
All over Alberta, lesbians, gay men, transgendered and bisexual people are digesting the reality of our inclusion in the Individual Rights and Protection Act, and pondering what this discussion means in our day to day lives. Many of us are also wondering how to use the debate it caused to educate Albertans to the reality of our lives, and even our existence, i.e. "no Virginia; k.d.Lang and Ellen are not the only ones".

Across Alberta, people are meeting in groups to discuss things like: -What new tools are available to me in light of Vriend (we mean the Supreme Court decision, not the actual guy, although I'm sure he's changed a few lives)? -How does Vriend change my position in society, or does it? -How do I respond to the discussion, and is it how I want to? -What feelings, positive and negative, has this whole issue brought up for me? -How do I/we collectively educate the people around me? -Where do I/we go next?

Some Edmontonians have already met, and arranged a Townhall meeting to occur during Pride week. We strongly encourage all to come and be a part of the discussion of where we go from here and the establishment of priorities as we move towards being recognized as the valued citizens of Alberta, which we are. The meeting will be held at the Unitarian Church, 12530-110Ave, at 7:00 p.m. on Wednesday, May 20th. Hope to see you all there.

Roz Ostendorf

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SPEAKING OF "NORMAL"

Liz Massiah, MSW, RSW
Clinical Social Worker

Where to begin after the tumultuous weeks we have had. First the power of the affirmation of the Vriend decision, then the firestorm of hatred and fear that was unleashed by the religious right. Then the decision to stay with the path of the Supreme Court. But to put legislative fences around whatever needs protecting.

Shall we list all the writings on fences? Should we offer courses in fence building? Guess the dykes will have to do that, with special diplomas available in gates. Will those awful fags have to do the design and decorating of the fences??

Or what about all the fences that have been built over time to keep out the marauding hordes- in and out of China, in and out of Berlin, to name but two that come quickly to mind. Did they work- no. Is there such a thing as an unbreachable fence? No. Just different degrees of challenge.

More fence stories -the fence behind my house when I was a kid that led to all sorts of delightful trouble every time we scaled it (it was only snow fencing but no matter). The fence someone here in town builds out of twigs and mud, or the stone and concrete fence a neighbor built. Or the six foot fence that my ex-husband built many years ago to keep our dog in - as we stood admiring the finished work - the dog, from a sit, glided gently over the fence, came round and scratched at the gate, as if to say, thanks for the new toy.

What about the gates that the power company has been installing around the area- but with no fences attached. Just gates. Ah, well, let Stockwell dream. Of big strong fences, of immutable bastions of his truth.

Now interestingly, as a therapist, my interest in boundaries is strong. Some are like concrete, some like lace curtains.

They help us know when you start and I begin. They keep us safe, they keep things clear. No, its not all right for DAD or MOM to make sexual comments to kids. No, its not all right for kids to be treated as adults, emotionally or sexually. The line needs to be clear and flexible. Otherwise we are muddled and not sure how to trust, or when to trust or if trusting is a good idea. Or is it only the old familiar feeling of abuse that we confuse with trust.



Boundaries are destructive in families when they are overly rigid, when folks don't have the chance to have choices or options. When "do as I say, not as I do" is alive and well. Or when "don't make up stories about your father, you are lying", is the rule. Or when "don't talk, don't feel, don't say what you see, feel or hear" is the rule. That is what the musical Tommy is about, why the plaintive song that was such a hit. We all, somewhere inside, know that we deserve to be heard, to speak about what we see, what we wonder. Makes me wonder what happened to the folks on the religious right, that they are not able to allow that for themselves or for

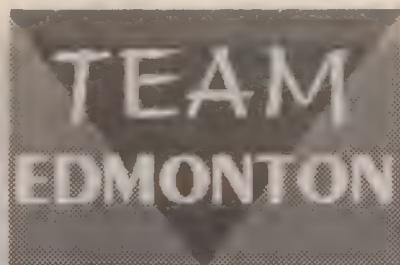
others. And have to build fences to protect their frightened selves.

Boundaries are useful, so are fences. Good fences make good neighbors as the saying goes. But that fence building is a mutual process- with agreement, with collaboration. Not with hate, not with distrust. **No fence works when put in place with evil intent. Ask the Nazis about the fences around the P.O.W camps.** Ask them about the fences around the camps we were in. Eventually everyone knew, the war ended and the fences came down. We were in those camps, along with the Jews, so we know only too well about evil fences. We know when we are safe from attack. We do not ask for a fence to protect us, to enclose or cage us. Nor do we want to destroy the safety of the non-queer folks in the world.

So think about all the work we spent to get our fence post included in the process, think about how the fence eventually adapted to fit us all.

The religious right said that the Vriend decision would be like Humpty Dumpty who sat on a big wall, had a big fall, and all the Kings horses and all the kings men couldn't put Humpty together again. Well, they were wrong. All the queen's men and amazons didn't knock Humpty off the fence, they just said, move over chum, we have come to sit beside you on the fence, here in the sunshine and chat.

And of course we could then go on to talk about how being "on the fence" can mean not making choices or can mean having all the choices possible and simply enjoying the options. So, I for one am not too worried about the Tories and their fence building escapades, and prefer to sit beside Humpty on the fence and enjoy the view. Sure is different than it used to be. I think I could quite get to like it.



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Vol. 1, No. 16 April 23, 1998

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Free-to-Be Volleyball Association

You may be preparing for the Corporate Challenge in June, interested in playing beach volleyball or just wanting to have some fun in a lesbian friendly atmosphere. For these reasons and many others, we'd love to have you come join us. The Association aspires to provide opportunities for our community to play volleyball in a supportive atmosphere.

Competitive League

This league has welcomed back a few players from earlier seasons and a transplanted out-of-towner. If you are interested in joining a group of committed volleyball players who enjoy running drills and faster paced Volleyball, then book Wednesday evenings on your calendar. We'll be at St. Patrick's School, 12050 95A Street, from 6-8 p.m. until 17 June. For further information contact Andrew at 435-9379.

Recreation League

Apparently, the players are getting stronger every day. They have managed to explode two balls recently. It was an accident. I'm Sure! Drop in Tuesdays to meet some fun people and play a few games. We'll be at Grandin School, 9844 110 Street, from 6-8 p.m. until 16 June. I'd like to give players some advance notice. The association has been notified that the city will be increasing fees charged for the use of all of its gyms starting in September. Because we are a pay as we go group, this will affect fees for next year. For further information contact Rick at 497-7585.

Beach League

Beach Volleyball is gearing up. To help prepare for the season, Alberta Volleyball Association is offering a one-day clinic on 31 May. To register, contact them directly. The Beach League will get start after mid May after the Garneau Beach Volleyball courts, 10943 84 Ave, open. In the meantime, get your suntan lotion ready for the season. For further information contact Andrew at 435-9379.

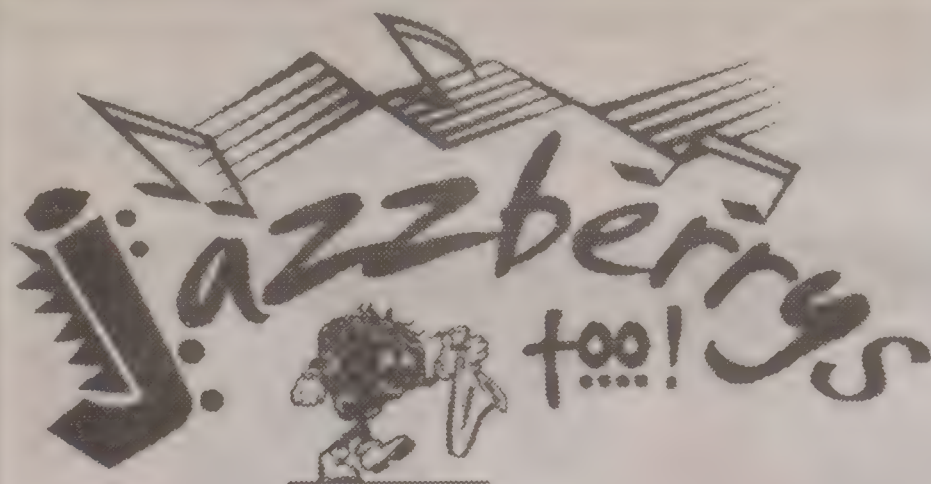
Tournaments

Congratulations to the Juicy Fruits and Backstreet Boyz for playing some fine volleyball at the Calgary Western Cup during the Easter long weekend. Thank you for representing Edmonton. We definitely had the prettiest looking teams. Upcoming tournaments are as follows: Regina, May 15-18; Vancouver, July 25-26; Saskatoon, September 4-7; Portland, October 10-12. For further information contact Andrew at 435-9379.

City League

This league has ended for the 1997/1998 season. The level of interest will be assessed in August prior to registration for next year. For further information contact Andrew at 435-9379.

Andrew Schuster
Association Co-ordinator



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News From GLCCE



by Fred Dicker

Pride Rally: Edmonton's Pride Week is in May

Pride Week for 1998 has been moved forward a month to help everyone celebrate their Pride and the Canadian GALA Choruses / Festival 98 at the same time. Festival 98 is held over the May long weekend, Friday May 15 to Monday May 18. We are having a Pride Rally at 2:00 p.m. on Saturday May 16 in Churchill Square in downtown Edmonton (100 St and 102 Ave). Come on Saturday to celebrate your Pride with everyone, including all our guests who are in Edmonton for Festival 98. Be a part of the biggest ever Pride celebration in Edmonton. There will be lots of room for booths and displays. We can celebrate without a parade and we will save several thousand dollars too. For those who remember last year - City Hall is booked just in case it rains.

Life After Friend - So what now?

On Wednesday, May 20 at 7:00 p.m. in the Unitarian Church, 12530-110 Avenue, there will be a Townhall meeting. We are now digesting what the Supreme Court decision means to any and all of us in our individual lives and our community. Everyone is welcome to come and discuss.

PFLAG/T Pride Picnic:

During the afternoon of Saturday, May 23, in the Old Strathcona Arts Barn, PFLAG/T will be holding their annual picnic. Everyone is welcome. An ideal time to involve the younger members of our community to come and celebrate our Pride with us. Be prepared for a variety of old

time country fair activities like three legged races. If you have some ideas, then let us know at the Centre. L'amazons, a very competitive women's football team, have thrown down the gauntlet to the guys in our community for a football game. There is also talk of a baseball game between the women and the "girls" from our drag community. These events will be held in the immediate area of the Arts Barn. A regulation field is not required. For those of you who remember last year's rain, if it happens again all events will take place inside.

Pride Awards:

On Saturday, May 23 at 8:00 pm, just prior to the Pride Dance, the Maureen Irwin and Michael Phair, Awards as well as a number of Pride Certificates, will be presented to our community in the Old Strathcona Arts Barn. We need your HELP! If you feel that anyone, or event, or group in our community deserves recognition, then write a letter explaining why you feel an award should be given and get it to the Centre by email, mail or deliver it by May 1 so the selection committee can act on it.

Pride Dance:

On Saturday, May 23, in the Old Strathcona Arts Barn. Womonspace and the Gay and Lesbian Community Centre is co-presenting their annual Pride Dance at 10:00 pm. This is a much bigger venue than we have used in the past, so many more people will be able to come and party.

Youth Group:

"Youth Understanding Youth" is proud to announce their new name. They meet every Saturday from 8:00 p.m. to 10:00 p.m. at the Centre. This group is being well attended and is an excellent opportunity for lesbian, bisexual and transgendered youth to meet and socialize aged 25 and under. This group is also

growing and changing and is seeking direction from youth, not adults, so it can better meet the needs of

the youth of Edmonton. For more information, call the Centre or email yuyedm@hotmail.com

Support Groups:

The Centre, in co-operation with the Gay Men's Outreach Crew, offer a number of free educational and support workshops that have the format of a facilitated discussion groups for both men and women. Also,

Sundays from 7:00 p.m. to 9:00 p.m. at the Centre, there is an ongoing facilitated discussion evening for men to drop-in whenever you can. These evening are being well attended. Contact the Centre or GMOC at

944-1394 ext. 4662 for more information. There is also a Gay Men's Coffee Evening every Wednesday at 7:30 p.m. at the Breadstuck Cafe (10159-82 avenue) for anyone to drop in when you can. For more information call Graham at 463-2098.

24 hour Information line:

For a number of years in our community, there was a telephone information and messaging service called Gaylines. In October 1997, this service which was provided by the Imperial Sovereign Court, was discontinued. The Centre is now offering this service with the phone number of 482-2855. This is a multiple menu telephone information service. When you call, you will need to enter codes provided by the menu to access various information as you wish. Most of the information will be updated as required but not change very often. This will

be information about community groups and businesses. The community calendar portion will list upcoming events in our community and will be updated frequently. This service will provide a lot of the information provided on our WebPages.

Internet WebPages:

Our web page is continuing to grow with more information and links. A large number of people are accessing this site. We are now updating the web page at least once a week. A major part of the page is the community calendar, and it has to be current to be of any use. To help the Centre with our page, we need everyone who is planning any events to contact us so we can put it on the page for everyone to see.

Around the first and the middle of the month, we send the community calendar out to anyone on our email distribution list. If any one has any ideas or information, or wants to be on the distribution list, then do contact the Centre

How to contact the Centre:

The Gay and Lesbian Community Centre of Edmonton is open for drop-in and phone service from 7:00 p.m. to 10:00 p.m., Monday thru Friday except holidays. Location address is Suite 103, 10612-124 Street. Telephone number is 488-3234 and messages are returned whenever possible. 24 hour Information line is 482-2855 Mailing Address is Box 1852, Main Post Office, Edmonton, Alberta T5J 2P2 Email address is

gleece@freenet.edmonton.ab.ca Web Page address is www.freenet.edmonton.ab.ca/gleece

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Excerpts From The Vriend Decision

Delwin Vriend and Gala-Gay and Lesbian Awareness Society of Edmonton and Gay and Lesbian Community Centre of Edmonton Society and Dignity Canada Dignité for Gay Catholics and Supporters Appellants

Her Majesty The Queen in Right of Alberta and Her Majesty's Attorney General in and for the Province of Alberta Respondents

Indexed as: Vriend v. Alberta

While this Court has not adopted a uniform approach to s. 15(1), in his case any differences in approach would not affect the result. The essential requirements of a s. 15(1) analysis will be satisfied by inquiring first, whether there is a distinction which results in the denial of equality before or under the law, or of equal protection or benefit of the law; and second, whether this denial constitutes discrimination on the basis of an enumerated or analogous ground. The omission of sexual orientation as a protected ground in the IRPA creates a distinction that is simultaneously drawn along two different lines. The first is the distinction between homosexuals and other is advantaged groups which are protected under the Act. Gays and lesbians do not have formal equality with reference to other protected groups, since those other groups are explicitly included and they are not. The second, more fundamental, distinction is between homosexuals and

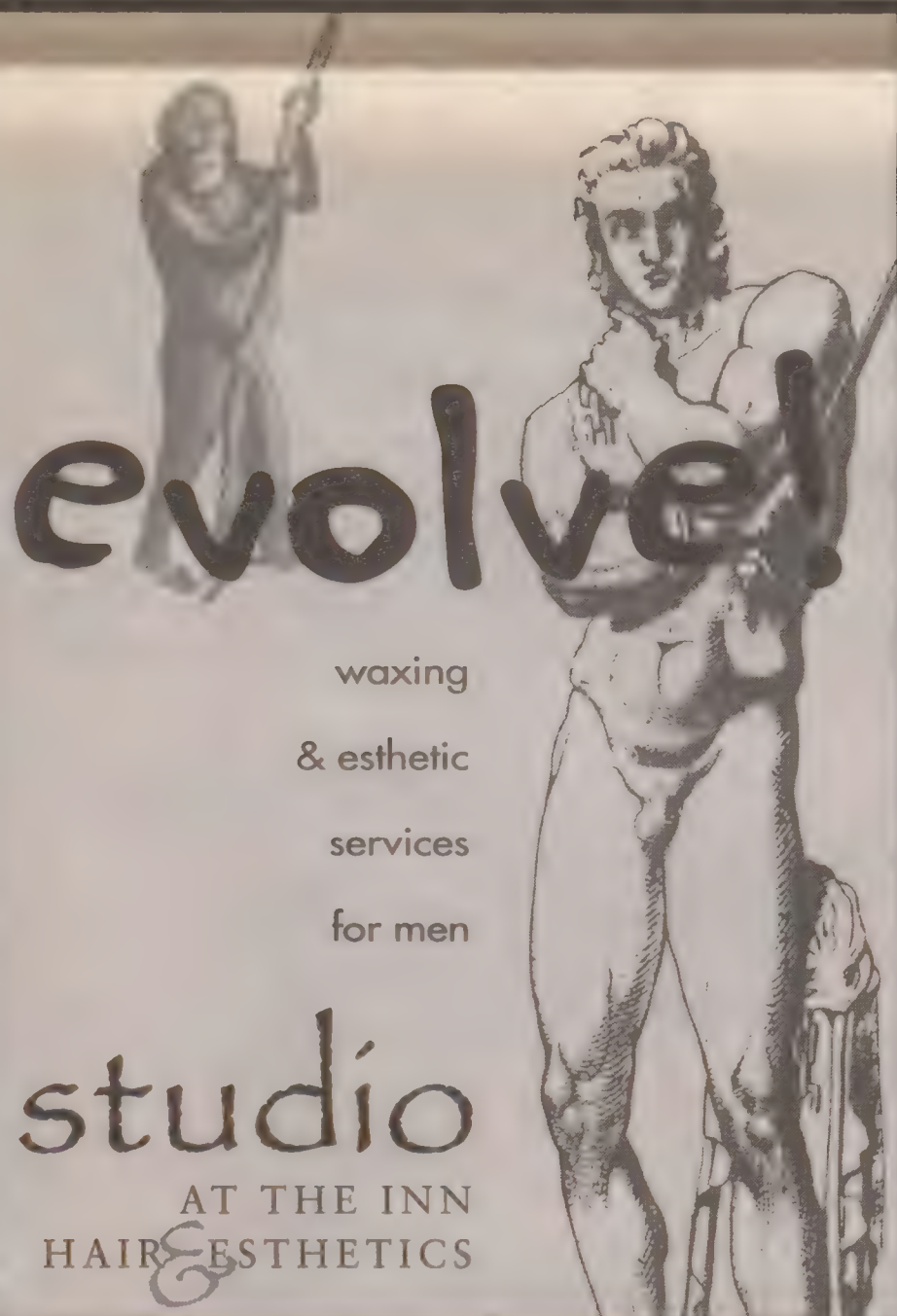
heterosexuals. The exclusion of the ground of sexual orientation, considered in the context of the social reality of discrimination against gays and lesbians, clearly has a disproportionate impact on them as opposed to heterosexuals. The IRPA in its underinclusive state therefore denies substantive equality to the former group. By reason of its underinclusiveness, the IRPA creates a distinction which results in the denial of the equal benefit and protection of the law on the basis of sexual orientation, a personal characteristic which is analogous to those enumerated in s. 15(1). This, in itself, is sufficient to conclude that discrimination is present and that there is a violation of s. 15. The serious discriminatory effects of the exclusion of sexual orientation from the Act reinforce this conclusion. The distinction has the effect of imposing a burden or disadvantage not imposed on others and of withholding benefits or advantages which are available to others. The first and most obvious effect of the exclusion of sexual orientation is that lesbians or gay men who experience discrimination on the basis of their sexual orientation are denied recourse to the mechanisms set up by the IRPA to make a formal complaint of discrimination and seek a legal remedy. The dire and demeaning effect of denial of access to remedial procedures is exacerbated by the fact that the option of a civil remedy for discrimination is precluded and by the lack of success that lesbian women and gay men have had in attempting to obtain a remedy for discrimination on the ground of sexual orientation by complaining on other grounds such as sex or marital status. Furthermore, the exclusion from the IRPA's protection sends a message to all Albertans that it is permissible, and perhaps even acceptable, to discriminate against individuals on the basis of their sexual orientation. Perhaps most important is the psychological harm which may ensue from this state of affairs. In excluding sexual orientation from the IRPA's protection, the government has, in effect, stated that "all persons are equal in dignity and rights" except gay men and lesbians. Such a message, even if it is only implicit, must offend s. 15(1).

The exclusion of sexual orientation from the IRPA does not meet the requirements of the Oakes test and accordingly cannot be saved under s. 1 of the Charter. Where a law has been found to violate the Charter owing to underinclusion, the

legislation as a whole, the impugned provisions, and the omission itself are all properly considered in determining whether the legislative objective is pressing and substantial. In the absence of any submissions regarding the pressing and substantial nature of the objective of the omission at issue here, the respondents have failed to discharge their evidentiary burden and their case must thus fail at this first stage of the s. 1 analysis. Even if the evidentiary burden were to be put aside in an attempt to discover an objective for the omission from the provisions of the IRPA, the result would be the same. Where, as here, a legislative omission is on its face the very antithesis of the principles embodied in the legislation as a whole, the Act itself cannot be said to indicate any discernible objective for the omission that might be described as pressing and substantial so as to justify overriding constitutionally protected rights.

Far from being rationally connected to the objective of the impugned provisions, the exclusion of sexual orientation from the Act is antithetical to that goal. With respect to minimal impairment, the Alberta government has failed to demonstrate that it had a reasonable basis for excluding sexual orientation from the IRPA. Gay men and lesbians do not have any, much less equal, protection against discrimination on the basis of sexual orientation under the IRPA. The exclusion constitutes total, not minimal, impairment of the Charter guarantee of equality. Finally, since the Alberta government has failed to demonstrate any salutary effect of the exclusion in promoting and protecting human rights, there is no proportionality between the attainment of the legislative goal and the infringement of the appellants' equality rights.

Reading sexual orientation into the impugned provisions of the IRPA is the most appropriate way of remedying this underinclusive legislation. When determining whether reading in is appropriate, courts must have regard to the twin guiding principles of respect for the role of the legislature and respect for the purposes of the



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Charter. The purpose of the IRPA is the recognition and protection of the inherent dignity and inalienable rights of Albertans through the elimination of discriminatory practices. Reading sexual orientation into the offending sections would minimize interference with this clearly legitimate legislative purpose and thereby avoid excessive intrusion into the legislative sphere whereas striking down the IRPA would deprive all Albertans of human rights protection and thereby unduly interfere with the scheme enacted by the legislature. It is reasonable to assume that, if the legislature had been faced with the choice of having no human rights statute or having one that offered protection on the ground of sexual orientation, the latter option would have been chosen.

4 Despite repeated calls for its inclusion sexual orientation has never been included in the list of those groups protected from discrimination. In 1984 and again in 1992, the Alberta Human Rights Commission recommended amending the IRPA to include sexual orientation as a prohibited ground of discrimination. In an attempt to effect such an amendment, the opposition introduced several bills; however, none went beyond first reading. Although at least one Minister responsible for the administration of the IRPA supported the amendment, the correspondence with a number of cabinet members and members of the Legislature makes it clear that the omission of sexual orientation from the IRPA was deliberate and not the result of an oversight. The reasons given for declining to take this action include the assertions that sexual orientation is a "marginal" ground; that human rights legislation is powerless to change public attitudes; and that there have only been a few cases of sexual orientation discrimination in employment brought to the attention of the Minister.

5 In 1992, the Human Rights Commission decided to investigate complaints of discrimination on the basis of sexual orientation. This decision was immediately vetoed by the Government and the

Minister directed the Commission not to investigate the complaints.

56 It is suggested that this appeal represents a contest between the power of the democratically elected legislatures to pass the laws they see fit, and the power of the courts to disallow those laws, or to dictate that certain matters be included in those laws. To put the issue in this way is misleading and erroneous. Quite simply, it is not the courts, which limit the legislatures. Rather, it is the Constitution, which must be interpreted by the courts, that limits the legislatures. This is necessarily true of all constitutional democracies. Citizens must have the right to challenge laws, which they consider to be beyond the powers of the legislatures.

When such a challenge is properly made, the courts must, pursuant to their constitutional duty, rule on the challenge. It is said, however, that this case is different because the challenge centres on the legislature's failure to extend the protection of a law to a particular group of people. This position assumes that it is only a positive act rather than an omission, which may be scrutinized under the Charter. In my view, for the reasons that will follow, there is no legal basis for drawing such a distinction. In this as in other cases, the courts have a duty to determine whether the challenge is justified. It is not a question, as McClung J.A. suggested, of the courts imposing their view of "ideal" legislation, but rather of determining whether the challenged legislative act or omission is constitutional or not.

57 McClung J.A.'s position that judicial interference is inappropriate in this case is based on the assumption that the legislature's "silence" in this case is "neutral". Yet, questions, which raise the issue of neutrality, can only be dealt with in the context of the s. 15 analysis itself. Unless that analysis is undertaken, it is impossible to say whether the omission is indeed neutral or not. Neutrality cannot be assumed. To do so would remove the omission from the scope of judicial scrutiny under the Charter. The appellants have challenged the law on the ground that it violates the Constitution of Canada, and the courts must hear and consider that challenge. If, as alleged, the IRPA excludes some people from receiving benefits and protection it confers on others in a way that contravenes the equality guarantees in the Charter, then the courts have no choice but to say so. To do less would be to undermine the Constitution and the rule of law.

1. Approach to Section 15(1)

67 The rights enshrined in s. 15(1) of the Charter are fundamental to Canada. They reflect the fondest dreams, the highest hopes and finest aspirations of Canadian society. When universal suffrage was granted it recognized to some extent the importance of the individual. Canada by the broad scope and fundamental fairness of the provisions of s. 15(1) has taken a further step in the recognition of the fundamental importance and the innate dignity of the individual. That it has done so is not only praiseworthy but essential to achieving the magnificent goal of equal dignity for all. It is the means of giving Canadians a sense of pride. In order to achieve equality the intrinsic worthiness and importance of every individual must be recognized regardless of the age, sex, colour, origins, or other characteristics of the person. This in turn should lead to a sense of dignity and worthiness for every Canadian and the greatest possible pride and appreciation in being a part of a great nation.

68 The concept and principle of equality is almost intuitively understood and cherished by all. It is easy to

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Excerpts

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praise these concepts as providing the foundation for a just society, which permits every individual to live in dignity, and in harmony with all. The difficulty lies in giving real effect to equality. Difficult as the goal of equality may be it is worth the arduous struggle to attain. It is only when equality is a reality that fraternity and harmony will be achieved. It is then that all individuals will truly live in dignity.

69 It is easy to say that everyone who is just like "us" is entitled to equality. Everyone finds it more difficult to say that those who are "different" from us in some way should have the same equality rights that we enjoy. Yet so soon as we say any enumerated or analogous group is less deserving and unworthy of equal protection and benefit of the law all minorities and all of Canadian society are demeaned. It is so deceptively simple and so devastatingly injurious to say that those who are handicapped or of a different race, or religion, or colour or sexual orientation are less worthy. Yet, if any enumerated or analogous group is denied the equality provided by s. 15 then the equality of every other minority group is threatened. That equality is guaranteed by our constitution. If equality rights for minorities had been recognized, the all too frequent tragedies of history might have been avoided. It can never be forgotten that discrimination is the antithesis of equality and that it is the recognition of equality, which will foster the dignity of every individual.

101 The exclusion sends a message to all Albertans that it is permissible, and perhaps even acceptable, to discriminate against individuals on the basis of their sexual orientation. The effect of that message on gays and lesbians is one whose significance cannot be underestimated. As a practical matter, it tells them that they have no protection from discrimination on the basis of their sexual orientation. Deprived of any legal redress they must accept and live in constant fear of discrimination. These are burdens, which are not imposed on heterosexuals.

102 Perhaps most important is the psychological harm which may ensue from this state of affairs. Fear of discrimination will logically lead to concealment of true identity and this must be harmful to personal confidence and self-esteem. Compounding that effect is the implicit message conveyed by the exclusion, that gays and lesbians, unlike other individuals, are not worthy of protection. This is clearly an example of a distinction, which demeans the individual and strengthens and perpetrates the view that gays and lesbians are less worthy of protection as individuals in Canada's society. The potential harm to the dignity and perceived worth of gay and lesbian individuals constitutes a particularly cruel form of discrimination.

A. Introduction: The Relationship Between the Legislatures and the Courts Under the Charter

129 Having found the exclusion of sexual orientation from the IRPA to be an unjustifiable violation of the appellants' equality rights, I now turn to the question of remedy under s. 52 of the Constitution Act, 1982. Before discussing the jurisprudence on remedies, I believe it might be helpful to pause to reflect more broadly on the general issue of the relationship between legislatures and the courts in the age of the Charter.

130 Much was made in argument before us about the inadvisability of the Court interfering with or otherwise meddling in what is regarded as the proper role of the legislature, which in this case was to decide whether or not sexual orientation would be added to Alberta's human rights legislation. Indeed, it seems that hardly a day goes by without some comment or criticism to the effect that under the Charter courts are wrongfully usurping the role of the legislatures. I believe this allegation misunderstands what took place and what was intended when our country adopted the Charter in 1981-82.

131 When the Charter was introduced, Canada went, in the words of former Chief Justice Brian Dickson, from a system of Parliamentary supremacy to constitutional supremacy ("Keynote Address", in *The Cambridge Lectures 1985* (1985), at pp. 3-4). Simply put, each Canadian was given individual rights and freedoms which no government or legislature could take away. However, as rights and freedoms are not absolute, governments and legislatures could justify the qualification or infringement of these constitutional rights under s. 1 as I previously discussed. Inevitably disputes over the meaning of the rights and their justification would have to be settled and here the role of the judiciary enters to resolve these disputes. Many countries have assigned the important role of judicial review to their supreme or constitutional courts (for an excellent analysis on these developments see D. M. Beatty, ed., *Human Rights and Judicial Review: A Comparative Perspective* (1994); B. Ackerman, "The Rise of World Constitutionalism" (1997), 83 *Virginia L. Rev.* 771).

132 We should recall that it was the deliberate choice of our provincial and federal legislatures in adopting the Charter to assign an interpretive role to the courts and to command them under s. 52 to declare unconstitutional legislation invalid.

134 To respond, it should be emphasized again that our Charter's introduction and the consequential remedial role of the courts were choices of the Canadian people through their elected representatives as part of a redefinition of our democracy. Our constitutional design was refashioned to state that henceforth the legislatures and executive must perform their roles in conformity with the newly conferred constitutional rights and freedoms. That the courts were the trustees of these rights insofar as disputes arose concerning their interpretation was a necessary part of this new design.

135 So courts in their trustee or arbiter role must perforce scrutinize the work of the legislature and executive not in the name of the courts, but in the interests of the new social contract that was democratically chosen. All of this is implied in the power given

to the courts under s. 24 of the Charter and s. 52 of the Constitution Act, 1982.

136 Because the courts are independent from the executive and legislature, litigants and citizens generally can rely on the courts to make reasoned and principled decisions according to the dictates of the constitution even though specific decisions may not be universally acclaimed. In carrying out their duties, courts are not to second-guess legislatures and the executives; they are not to make value judgments on what they regard as the proper policy choice; this is for the other branches. Rather, the courts are to uphold the Constitution and have been expressly invited to perform that role by the Constitution itself. But respect by the courts for the legislature and executive role is as important as ensuring that the other branches respect each others' role and the role of the courts.

171 In my opinion, this statement is a clear indication that, in light of the controversy surrounding the protection of gay men and lesbians under the IRPA, it was the intention of the Alberta Legislature to defer to the courts on this issue. Indeed, I interpret this statement to be an express invitation for the courts to read sexual orientation into the IRPA in the event that its exclusion from the legislation is found to violate the provisions of the Charter. Therefore, primarily because of this and contrary to the assertions of the respondents, I believe that, in these circumstances, the remedy of reading in is entirely consistent with the legislative intention.

191 The Province of Alberta was invited to but declined at the appeal to explain how people with different sexual orientation were not part of the phrase "all persons are equal in dignity and rights". As well, the Province of Alberta failed to demonstrate how the exclusion of sexual orientation from the IRPA accords with its legislative purpose. It is puzzling that the Legislature, having enacted comprehensive human rights legislation that applies to everyone in the province, would then selectively deny the protection of the Act to certain groups of individuals. No explanation was given, and none is apparent from the evidence filed by the Province.

(Entire text available on the Internet at <http://www.scc-csc.gc.ca>)

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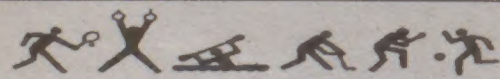
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